IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 22838 of 2004**

Between:

B.Thulasamma W/o.B.Mallaiah
Gosanipalli Village, Dhone Mandal Kurnool District.

**..... PETITIONER**

AND

1 The Joint Collector Kurnool
2 The Revenue Divisioanl Officer Kurnool District.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd Respondent in issuing the proceedings in Rc.B.1614/2004 dt.30.11.2004 as illegal, arbitrary, and violative of Principles of natural justice and also against the provisions of Control Order 2001 and consequently direct the respondents to restore the authorisation of the petitioner by suspending impugned proceedings pending the appeal before the 1st Respondent and pass such other order or orders.

**Counsel for the Petitioner:MR.U.RAMANJANEYULU**

**Counsel for the Respondents: GP FOR CIVIL SUPPLIES**

**The Court, at the stage of admission, made the following :**

**ORDER:**

Petitioner is a fair price shop dealer of Gosanipalli Village, Dhone Mandal, Kurnool District. On the basis of certain allegations as to short supply of the essential commodities, her authorization was suspended by the 2nd respondent through order, dated 30.11.2004. Petitioner claims to have submitted an appeal before the 1st respondent together with an application for grant of stay. Her grievance is that no orders have been passed so far on the application for stay, and in the meanwhile alternative arrangements are being resorted to.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The authorization of the petitioner was suspended by alleging certain irregularities. Petitioner availed the remedy of appeal. The truth or otherwise of the allegation against the petitioner needs to be considered in the appeal. Petitioner filed an application for grant of stay. Unless appropriate orders are passed in the application for stay, the purpose of preferring appeal is likely to be defeated.

Prima facie, this Court does not find that the allegations against the petitioner are so serious as to warrant suspension. In that view of the matter, the writ petition is disposed of directing that the order, dated 30.11.2004, passed by the 2nd respondent, shall remain stayed till the 1st respondent disposes the appeal preferred by the petitioner. There shall be no order as to costs.

**L.NARASIMHA REDDY, J**

Dated : 13th December, 2004

Note: Furnish copy in three days.

(B/o.)

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To

1 The Joint Collector Kurnool
2 The Revenue Divisioanl Officer Kurnool District.

3.2CCs to G.P. for Civil Supplies, High Court Buildings,

Hyderabad(OUT).

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